

**REMARKS**

The Office Action of December 10, 2002, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claim 12 was rejected under 35 U.S.C. § 112, second paragraph; claims 1, 8, 11-13, 16, 18 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Matich* (U.S. Patent No. 2,708,543); claims 9 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matich* in view of *Crookham* (U.S. Patent No. 6,464,196); claims 2-7, 10, 17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matich*; and claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mtich* in view of German Patent No. 3719969.

Responsive to the rejection under Section 112, claim 12 has been amended to remove the alleged indefiniteness.

In addition, as set forth above, independent claims 1 and 11 have been amended to further define the step(s) included in the step system of the present invention. More particular, the claims as amended now recite that each step comprises a toehold portion and a base portion, the toehold portion is defined by an upper generally planar support surface for engaging a portion of a user's foot, an opposing lower surface, and an edge surface extending therebetween. The amended claims now also required that the upper generally planar support surface is disposed substantially perpendicular to the base portion. Applicant respectfully submits that these limitations are not disclosed or suggested by the cited prior art.

The primary reference upon which the Examiner relies, *Matich*, is directed to a conventional roof ladder and is discussed as such at page two of the present application. *Matich* discloses a slab 12 of rubber to which a series of hollow rungs 26 are attached. The top surface of the rung is treaded at 50, 52, as shown in Figure 3, to provide a non-skid rubber rung (col. 1, line 23). Accordingly, it is apparent that the intended user engaging portion of the rung 26 is defined by the surface 50, 52, which comprises an arc extending from 6 to 8. Accordingly, the surface 50, 52 of *Matich* is not substantially planar, but arcuate. Moreover, the surface 50, 52 of *Matich* is disposed generally parallel to the base portion of the rung 26 which is attached to the rubber slab 12 -- not perpendicular.

Accordingly, Applicant respectfully submits that *Matich* does not disclose or suggest a step having a toehold portion and a base portion, the base portion being attached to the connecting material, as recited in claim 1, and the toehold portion defined by an upper generally planar support surface for engaging a portion of a user's foot, an opposing lower surface, and an edge surface extending therebetween, wherein the upper generally planar support surface is disposed substantially perpendicular to the base portion.

### CONCLUSIONS

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the Examiner is kindly invited to call the undersigned counsel for applicant regarding the same.

Respectfully submitted,

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**Attachment to Amendment dated June 10, 2003**

Page 7, paragraph beginning on line 18

The step 130 includes a base 132 having a width W. The width W is chosen to prevent the step 130 from tipping over when used as a toehold/slide guard. In preferred embodiments, the width W is approximately 8 inches. The width W of the connecting material is approximately 10 inches to approximately 30 inches wide. More preferably still, the step [134] 130 may be comprised of an textured plastic, which has been shown to provide surprisingly good traction, especially when sneakers are worn.

**Attachment to Amendment dated June 10, 2003**

1. (Amended) A step system comprising:  
a length of a connecting material; and  
a plurality of steps attached to the connecting material, said steps being spaced apart by a distance sufficient to allow an adult to kneel between neighboring steps;

wherein each said step comprises a toehold portion and a base portion attached to the connecting material, said toehold portion defined by an upper generally planar support surface for engaging a portion of a user's foot, an opposing lower surface, and an edge surface extending therebetween;

wherein said upper generally planar support surface is disposed substantially perpendicular to said base portion.

11. (Amended) A step system comprising:  
[connecting material; and]  
a plurality of steps [attached to the connecting material], said steps being [variably spaceable] disposed on a support structure at variable distances from one another as selectively determined by a user;

wherein each said step comprises a toehold portion and a base portion attached to the connecting material, said toehold portion defined by an upper generally planar support surface for engaging a portion of a user's foot, an opposing lower surface, and an edge surface extending therebetween;

wherein said upper generally planar support surface is disposed substantially perpendicular to said base portion.

12. (Amended) The step system of Claim 11, wherein the steps [may be] are spaced out of parallel.

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17. (Amended) The step system of Claim 8, wherein [each said step comprises a toehold portion, defined by a generally planar surface for supporting a toe portion of a user's foot, and] said handle is formed as an opening in said toehold portion.

20. (Amended) The step system of Claim 11, wherein [each said step comprises a toehold portion, defined by a generally planar surface for supporting a toe portion of a user's foot, and] a handle is formed as an opening in said toehold portion.